

Remarks/Arguments

Claims 1-17 were pending in the application and were rejected. No claims were withdrawn. No claims were merely objected to and no claims were allowed. By entry of the foregoing amendment, claim 17 is canceled without prejudice or disclaimer, claims 1, 9, 10, 11 and 15 are amended, and no new claims are added. No new matter is presented. Accordingly, claims 1-16 remain pending for further consideration.

Objection to the Claims

The Examiner asserts claims 1, 9 and 10 are objected to due to various informalities.

Applicant has amended claims 1, 9 and 10 to remove the objectionable language.

In light of the foregoing, Applicant respectfully requests the Examiner determine the language of claims 1, 9 and 10 is no longer objectionable.

Claim Rejections-35 U.S.C. §102

The Examiner rejected claims 1-17 under 35 U.S.C. §102(b) as being anticipated by U.S.P.N. 5,149,921 to Picado. Applicant traverses the rejection.

Picado teaches a vertically oriented array of transmitters and detectors that is known to one of ordinary skill in the art. In such devices, individual emitters on one side are activated, and individual receivers on the other side are activated. Detection beams are emitted from each emitter and in turn are received by each receiver. These scanning beam activations alternate up and down the covered opening. Picado teaches a single controller synchronizes and controls the activation of both the emitters and detectors.

In contrast, Applicant's claimed safety detection system (claim 1) and methods of use (claims 11 and 15) do not recite a synchronizing controller. Instead, Applicant's claimed invention recites two separate controllers, a first for controlling the emitter array and a second for separately controlling the receiver array. The emitter arrays produce fixed patterns of emitter activations. The separately controlled receiver arrays anticipate the fixed patterns of emitter activations. As Picado fails to teach or suggest the two separate controllers recited in independent claims 1, 11, and 15, each of these claims, and their associated dependent claims, is allowable over Picado. Moreover, as claims 2-10 depend from claim 1, as claims 12-14 depend

from claim 11, and as claim 16 depends from claim 15, each of these dependent claims is also allowable over Picado, without regard to the other patentable limitations recited therein.

Accordingly, and for at least these reasons, claims 1-16 are patentable over Picado. In light of the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-16 under 35 U.S.C. §102(b).

CONCLUSION

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 03-0835.

Respectfully submitted,
RICHARD PUSTELNIAK

By /Ross J. Christie #47,492/
Ross J. Christie
Attorney for Applicants
Reg. No.: 47,492
Telephone: 203-777-6628 x116
Telefax: 203-865-0297

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